

03.10.2024

Court No.29

Item No. 55

Allowed

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CRM (A) 3557 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Daspur Police Station Case No. 168 of 2024 dated 09.04.2024 corresponding to G.R Case No. 331 of 2024 under Sections 498(A)/304(B)/306 of the Indian Penal Code read with Sections 3 of the Dowry Prohibition Act.

And

In Re: **Srimanta Dolai**

Petitioner

Mr. Sabir Ahmed

Mr. Bhaskar Mutait

Mr. Tasnim Ahmed

Mr. Dhiman Banerjee For the Petitioner

Ms. Subhasree Patel

Mr. Subhasish Datta For the State

1. Heard the learned counsel appearing for the parties.
2. The petitioner is the husband of the deceased. The wife apparently committed suicide after setting herself on fire. The dying declaration of the wife has been recorded. The dying declaration implicates the mother-in-law. It further appears that the petitioner was out of station on the date of incident, although father of the victim has made statement against the present petitioner with regard to the physical torture. However, having regard to the nature of the allegation and dying declaration, we are of the view that custodial interrogation of the petitioner is not necessary.
3. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Srimanta Dolai** shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be

local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall appear before the **learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur**, corresponding **G.R Case No. 331 of 2024 on or before 8th October, 2024** from date and the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

4. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar, J)